

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

MICHAEL McCOY

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv4-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**ORDER**

This Court entered a separate order on two of Defendant's motions *in limine* which are docketed at [35] and [36]. This order addresses those others filed by Defendant (and raised before in this Court in other cases) dealing with [33] bifurcation of trial proceedings; [37] precluding the mention of or introduction of evidence concerning motions to change venue filed by Defendant in this or any other cause of action; [40] precluding evidence of or reference to claims for punitive or extra-contractual damages prior to a finding of liability; [34] excluding evidence of or references to any grand jury or government criminal investigation relating to Defendant's response to Hurricane Katrina; and [38] excluding evidence of any of Defendant's out-of-state conduct.

Bifurcation of the trial with respect to the coverage claim, on the one hand, and the punitive/extra-contractual damages, on the other, is appropriate. Plaintiff will be allowed to address punitive damages in *voir dire*. If the jury is given a punitive damages instruction, all counsel will be able to make a separate statement on that issue.

Plaintiff will also be precluded from mentioning or introducing evidence of motions for change of venue filed by Defendant; from referring in any manner to any grand jury or government investigation involving Defendant; and from offering evidence of or comments about Defendant's out-of-state conduct. With respect to evidence of or reference to claims for punitive or extra-contractual damages, allowance will be made for this topic to be mentioned in *voir dire*.

Accordingly, **IT IS ORDERED:**

Defendant's Motions [33], [34], [37], [38], and [40] *in limine* are **GRANTED IN PART** and **DENIED IN PART**, consistent with the above comments. Plaintiff may not mention or introduce evidence of motions for change of venue filed by Defendant in this or any other cause of action; may not refer to or introduce evidence regarding any grand jury or government criminal investigation involving Defendant; and may not introduce evidence or refer to

Defendant's out-of-state conduct. Plaintiff will be allowed to address the issue of punitive/extra-contractual damages in *voir dire* subject to further direction from the Court. The underlying coverage/contractual claim and the entitlement to punitive/extra-contractual damages will be determined in a bifurcated proceeding, with counsel being allowed to make statements at the beginning of each phase.

**SO ORDERED** this the 9<sup>th</sup> day of May, 2007.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE